

Appl. No. : **10/770,739**
Filed : **February 3, 2004**

REMARKS/ARGUMENTS

Pursuant to the filing of a Request for Continued Examination of this application, Applicants acknowledge with appreciation the allowance of Claims 20 through 28 in the Office Action dated June 13, 2006. Applicants also acknowledge the indication of allowability of Claim 8. Claim 8 has been rewritten in independent form as new Claim 29 submitted with this amendment.

Applicants have canceled Claim 9 and have incorporated the recitation of Claim 9 into amended Claim 1 presented herewith. Claims 2, 3 and 10 through 16 remain in the application depending from Claim 1. Applicants respectfully submit that the recitation of amended Claim 1 distinguishes over the prior art, including U.S. Patent 5,425,986 to Guyette. Guyette discloses a laminate structure including a fiber cement substrate and an adhesive layer on the substrate between a surface of the substrate and a sheet of Kraft paper. However, the combination set forth in Claim 1, as amended, is not believed to be disclosed or suggested by Guyette or any of the other art of record. In particular, Guyette does not disclose a cementitious substrate, at least one resin impregnated paper disposed over one of the first and second sides of the substrate, a stress relieving elastomer between the substrate and the at least one resin impregnated paper and an adhesive on a surface of the elastomer. In at least these respects, Claim 1 is believed to distinguish patentably over Guyette and the other art of record in this application.

Applicants request reconsideration for allowance of Claim 17 for the reasons set forth above. Claim 17 recites the combination of a cementitious substrate, at least one resin impregnated paper over at least one of the sides of the substrate, a stress relieving elastomeric film between the substrate and the resin impregnated paper acting as a stress relaxer and at least one adhesive layer between the cementitious substrate and the at least one resin impregnated paper. As pointed out hereinabove, Guyette does not disclose or suggest the arrangement of a stress relieving elastomeric film between a substrate and a resin impregnated paper, together with an adhesive layer between the cementitious substrate and the resin impregnated paper. Accordingly, Claim 17 is believed to be patentably distinct from the art of record in this application, including the Guyette reference.

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Claims 2, 3 and 10 through 16 together with Claims 18 and 19 are believed to be patentable for the reasons set forth above in support of the patentability of amended Claims 1 and 17. Consideration for allowance of these claims is also requested.

An Information Disclosure Statement, including citation of references cited in corresponding and related foreign applications is submitted with this Request for Continued Examination.

Applicants have made a diligent effort to further advance the prosecution of this application by canceling claims, placing allowed claims in proper form for allowance and by pointing out with particularity herein how the claims now presented distinguish patentably. An early Notice of Allowance of the claims now pending in this application is respectfully solicited.

Respectfully submitted,

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